

REMARKS

This is Intended as a full and complete response to the Final Office Action dated October 20, 2004, having a shortened statutory period for response set to expire on January 20, 2005. Applicant submits this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23, 40-47 and 49-51 are pending in the application. Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23, 40-47 and 49-51 remain pending following entry of this response. Claims xx have been amended. Applicant submits that the amendments do not introduce new matter.

Claims 1, 2, 4-6, 8, 11, 13-16, 18, 21, 23, 41-44, 47 and 49-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nappholz et al.* (US 5,720,770; hereinafter *Nappholz*). Applicant respectfully traverses the rejection.

Nappholz is directed to a cardiac stimulation system that delivers long-term cardiac therapy without personal supervision by a physician. (See, Abstract.) The Examiner argues that *Nappholz* teaches each of the claimed elements except that *Nappholz* does not teach the voice synthesized message providing information about a nature of the human subject's condition. However, at least some of the claims (e.g., claim 1) recite "generating, by an external voice synthesizer, a voice synthesized message". In his substantive rejection, the Examiner does not suggest that such a step is disclosed in *Nappholz*. Accordingly, on this basis alone Applicant believes the rejection is improper and respectfully requests that the rejection be withdrawn and the claims be allowed.

Applicants do note, however, that the Examiner elaborates on his position regarding the voice synthesized message in his "Response to Arguments". Specifically, the Examiner states the following:

"Examiner respectfully disagrees with the applicant's argument because, as disclosed by *Nappholz* col. 6, lines 7-9 indicated that RPP 14 utilizes conventional cell phone capabilities which includes voice communication. The device RPP 14 is a communication unit according to col. 4, lines 6-16 refers to police and rescue squad, e.g., 911 police emergency stations which

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conventionally use interactive voice communication between the emergency station operator and a reporting party. Therefore, it is understood that message generated at external system RPP 14 in response to receiving the signal 24 from ICD transmitted to the remote emergency station 29 is a synthesized voice message." (Examiner's Action, mailed October 20, 2004, page 8.)

Further, It is noted that the voice synthesized message of the present claims is generated (e.g., by an external voice synthesizer) and that the synthesized message can be generated even in the event the human subject wearing the implanted medical device is "incapable of verbal communication". The portions of *Nappholz* cited by the Examiner refer to a conventional cell phone which transmits voice data input to the cell phone by a human being. (See, column 6, lines 7-10.) Thus, the only voice communications disclosed by *Nappholz* originate from a human being speaking into a cell phone. Since *Nappholz* requires a human being (specifically, the patient wearing the monitoring device) to speak into the cell phone, it follows that the human being is necessarily not incapable of verbal communication and that the message is not a generated voice synthesized message. The significant difference that the Applicants wish to highlight, is that in *Nappholz* the voice communication originates with a human being, while in the present claims the voice synthesized message is machine generated. Thus, respectfully, the Examiner's apparent focus on the downstream communications of *Nappholz* in attempt to characterize some instance of the voice data as generated voice synthesized message misses the point. Accordingly, *Nappholz* does not teach, show or suggest a generated voice synthesized message as claimed. Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

Further, the claimed voice synthesized message is generated and transmitted in response to a wireless signal from an implanted medical device. Any transmissions from the cellular telephone of *Nappholz* are in response to human voice inputs of the patient wearing the device.

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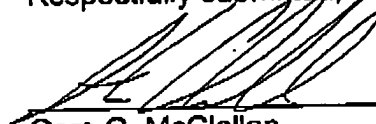
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Claims 40, 45 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nappholz* in view of *Nelson et al.* (US 6,564,104; hereinafter *Nelson*). Applicant respectfully traverses the rejection.

Because *Nappholz* is believed to have been overcome the reasons given above, the combination of *Nappholz* and *Nelson* is also believed to be overcome. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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